

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-21 are pending in this application. Claims 1-21 are hereby amended in this response. Support for this amendment can be found throughout the application as originally filed, e.g. in paragraphs [0540]-[0543] of the Application as Published. Accordingly, no new matter has been added.

It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

### **II. SUPPORT FOR AMENDMENT IN SPECIFICATION**

Citations to Figures and Specification locations are provided. However, such citations are provided merely as examples and are not intended to limit the interpretation of the claims or to evidence or create any estoppel.

[0540] For example, if the disk apparatus 1 reads/writes data from/to the optical disk 7 at a data rate of 72 Mbps (Mega-bit per second), a data rate for main line data may be, for example, 50 Mbps or so, and a data rate for low-res data may be, for example, 2 Mbps or so.

[0541] In this case, if main line data are read out and reproduced, and supplied data are recorded to the main line data in the postrecording process, then a data rate of 50 Mbps is required for reading and a data rate of 50 Mbps is required for recording. As a result, a data rate of 100 Mbps is required in total. This exceeds the maximum data rate of the disk apparatus 1. Consequently, the postrecording process cannot be executed.

[0542] Meanwhile, if low-res data are read out and reproduced, and supplied data are recorded to main line data, then a data rate of 2 Mbps is required for reading and a data rate of 50 Mbps is required for recording. As a result, a total data rate of 52 Mbps is required. This is within the maximum data rate of the disk apparatus 1. Consequently, the postrecording process can be executed satisfactorily.

[0543] To put it in the opposite way, a data rate for a conventional postrecording process must be half or less the data rate of the apparatus, whereas the disk apparatus 1 of the present invention is free from such limitation, and thus the data rate for main line data can be set to a larger value than the data rate of the apparatus.

### III. CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1-21 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 7,457,530 to Kiyama et al. (hereinafter, merely "Kiyama").

Amended claim 1 recites, *inter alia*:

"A recording apparatus for recording second picture data or second sound data onto a recording medium on which first picture data or first sound data are recorded ... **wherein a data rate of said recording of said second picture data or said second sound data is higher than said reading of said low-resolution data.**"  
(Emphasis added)

Accordingly, one embodiment of the present invention relates to a recording apparatus for recording second picture data or second sound data onto a recording medium on which first picture data or first sound data are recorded. The apparatus includes reading controlling means for controlling reading of low-resolution data having the same contents as at least one of the first picture data and the first sound data recorded on the recording medium, and recording controlling means for controlling recording of the second picture data or the second sound data synchronizing with the at least one of the first picture data and the first sound data, onto the recording medium, wherein a data rate of the recording of the second picture data or the second sound data is higher than the reading of the low-resolution data.

As understood by the Applicant, Kiyama a recording method, medium and recorder, wherein when audio dubbing is implemented, error correction is performed for each ECC block. By constructing ECC blocks including audio dubbing data so as not to contain original data, it is no longer necessary to read and rewrite unnecessary original data when audio dubbing data is overwritten.

Applicant respectfully submits that Kiyama is silent with respect to a data rate of the recording of the second picture data or the second sound data being higher than the reading of the low-resolution data, as recited in claim 1.

Kiyama specifically discloses that the audio data to be recorded in a PRU is recorded at the same data rate and at the same sampling frequency as the audio of VUs in the EU to which the PRU belongs. (*Kiyama*, col. 9, lines 50-52)

Accordingly, Kiyama fails to teach or suggest the above identified feature of claim 1. Specifically, Kiyama fails to disclose or suggest that **a data rate of the recording of**

**the second picture data or the second sound data is higher than the reading of the low-resolution data**, as recited in claim 1.

Therefore, Applicant submits that independent claim 1 is patentable over Kiyama.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 6-8, 13-15, and 20-21 are also patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims are dependent from an independent claim, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

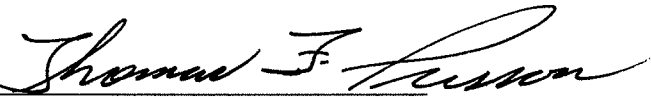
#### **CONCLUSION**

In view of the foregoing amendments and remarks, all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any  
overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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